

**REMARKS**

Initially, applicant would like to thank the Examiner for the helpful and courteous telephonic interview he conducted with applicant's representative on or about 28 February 2005.

During such interview the above amendments were discussed, and while it was indicated that the amendment to claim 1 may be appropriate for distinguishing over the Hasegawa reference, no particular agreement was reached.

Upon entry of the present amendment, claims 1-18 are pending in the application, of which claims 1, 6, 8, and 14 are independent. New claims 14-17 are added herein.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Claim Rejection under 35 USC 102**

At item 3 of the Office Action, the Examiner rejected claims 1-5 and 8-13 under 35 USC 102(e) as being anticipated by Hasegawa et al (US Patent Application Publication 2003/0047903 A1).

As regards claims 1 and 2, the Examiner states that Hasegawa et al disclose a rotary steering damper having a damper housing 17 attached to the vehicle body frame and disposed above a top bridge 11, the damper housing comprising an extension that extends rearwardly behind the top bridge, damper shaft 23 attached to the steering system side, vane 30 disposed in

the housing and attached to the shaft, a hydraulic pressure control valve 31, and actuator 31/32 connected to the control valve and disposed below the housing extension.

The applicant respectfully disagrees with the rejection of claim 1 since Hasegawa does not disclose all the claimed features, and thus does not anticipate the applicant's invention. Specifically, Hasegawa discloses a single fluid flow channel 33 in fluid communication with the respective left and right chambers 27, 28 of the oil chamber 26, and thus does not disclose *a plurality of fluid flow channels* as recited in claim 1. The applicant discloses plural independent fluid flow channels, for example, 83/86/84 and 88/87/88 as shown in the applicant's Fig. 13, which allows control of the attenuating force on the steering system using both an electric pressure control valve in a main channel, and a mechanical pressure control valve in a bypass channel.

In addition, Hasegawa discloses an actuator disposed extending from a rear portion of the housing such that an upper surface of the actuator is generally coplanar with an upper surface of the housing (Figs. 2 and 5), and thus does not disclose an actuator disposed below the housing extension as recited in claim 1. Although the Examiner refers to Hasegawa's Fig. 5 to show that a topmost portion of the extension is located above the actuator due to an inclination of the damper housing, the applicant respectfully submits that the actuator 32 is not "below the housing", according to the plain meaning of the term "below", but is rather positioned to one side of the housing. The applicant submits that an actuator positioned to one side of the housing is not *below* the housing according to any reasonable interpretation of the claim language. The applicant's interpretation of the position of the actuator is substantiated by Hasegawa's written disclosure, which states that the actuator extends from a rear portion of the housing (para. 39),

and does not suggest or imply the arrangement disclosed by the applicant.

However, to further promote the prosecution of this application, the applicant has amended claim 1 here to recite that "the entirety of said actuator" is disposed below the housing extension. Because the device disclosed by Hasegawa does not disclose or suggest this feature, and further does not disclose a plurality of fluid flow channels, claim 1 avoids anticipation by Hasegawa.

As regards claims 5, 12, and 13, the applicant disagrees that Hasegawa anticipates the recited structures related to a link member connected to the steering damper shaft. The applicant agrees that Hasegawa discloses the general concept of the steering shaft 14 and damping shaft 23 interlocked with a link mechanism, but does *not* agree that Hasegawa discloses the specific structures recited by the applicant in these claims, including dual pivot connections, bifurcated steering torque transfer arms, and plural brackets situated between the steering damper and the flange on the head pipe. The applicant respectfully asserts that the legal standard for anticipation requires that every claimed feature be disclosed in the cited reference. Since Hasegawa does not recite each and every claimed structure, Hasegawa does not anticipate the applicant's invention as claimed in claims 5, 12, and 13.

As regards claims 8 and 9, the Examiner states that Hasegawa et al disclose a motorcycle including a frame 3, head pipe 3 with integral flange 3c extending rearwardly, a steering column 14 attached to the head pipe 3, and a rotary steering damper having a damper housing 17 attached to the vehicle body frame and disposed above a top bridge 11, the damper housing comprising an extension that extends rearwardly behind the top bridge, damper shaft 23 attached to the steering system side, vane 30 disposed in the housing and attached to the shaft, a hydraulic pressure

control valve 31, and actuator 31/32 connected to the control valve and disposed below the housing extension.

The applicant respectfully disagrees with the rejection of claim 8 since Hasegawa does not disclose all the claimed features, and thus does not anticipate the applicant's invention. The deficiencies of the Hasegawa reference discussed above with respect to claim 1 are repeated herein. Specifically, Hasegawa discloses a single fluid flow channel 33 in fluid communication with the respective left and right chambers 27, 28 of the oil chamber 26, and thus does not disclose *a plurality of fluid flow channels* as recited in claim 8, and Hasegawa discloses an actuator disposed extending from a rear portion of the housing such that an upper surface of the actuator is generally coplanar with an upper surface of the housing (Figs. 2 and 5), and thus does not disclose an actuator *disposed below* the housing extension as recited in claim 8.

In addition to the deficiencies in common with claim 1, a further deficiency exists with respect the application of Hasegawa to claim 8. Specifically, Hasegawa discloses a hydraulic pressure control valve 31 disposed rearwardly of the damper housing (para. 39, Figs 2, 3, and 5), and thus does not disclose a hydraulic pressure control valve *disposed in said damper housing* as recited in claim 8. Hasegawa further discloses an alternative arrangement (para. 54) in which the control valve 31 and control device 32 are provided on the vehicle body front side with the steering shaft therebetween. However, of itself, this shift in relative position does not imply that the control valve 31 is moved to a position inside the housing. Thus, Hasegawa does not anticipate the invention claimed in claim 8.

Based on the foregoing, the rejection of claims 1-5 and 8-13 under 35 USC 102(e) as being anticipated by Hasegawa et al. is believed to be overcome, and it is respectfully requested

that such rejection be reconsidered and withdrawn.

At item 4 of the Office Action, the Examiner rejected claims 6 and 7 under 35 USC 102(e) as being anticipated by Hanawa et al. (US Patent 6,824,153). The Examiner states that Hanawa discloses a steering damper including a pressure control valve 20 in an oil path, the pressure control valve, controlled to vary the attenuating force upon operation of the steering system, comprising an electric pressure control valve 20 in an oil path 15, and a mechanical pressure control valve 30 provided in a bypass oil path parallel to the electric pressure control valve, as claimed. As regards claim 7, the Examiner states that Hanawa discloses that the opening pressure of the mechanical valve 30 is lower than the opening pressure of the electric valve.

With regard to the Hanawa reference, applicant respectfully submits that the actual US filing date thereof, June 19, 2003, is subsequent to the effective US filing date of the present application, March 20, 2003, based on the claim of priority from Japanese patent applications 2003-079158 and 2003-079156. Moreover, applicant is filing herewith English translations of the two priority applications, together with statements that the translations are accurate, such that pursuant to 37 CFR 1.55 (a) (4)(i)(B) applicant has perfected its claim for priority under 35 USC 119. . Thus, it is believed that the Hanawa reference is eliminated as prior art to the present application, and it is respectfully requested that the rejection of claims 6-7 based on Hanawa be reconsidered and withdrawn.

#### Other Matters

New claims 14-18 have been added to the specification which more clearly define the

applicant's invention. New independent claim 14 is similar to original claim 1 modified to recite that the actuator is disposed below the housing extension such that an upper surface of the actuator underlies a lower surface of the damper housing. This is clearly not shown by Hasegawa, who discloses the actuator as disposed extending from a rear portion of the housing (para. 39) such that an upper surface of the actuator is generally coplanar with an upper surface of the housing (Figs. 2 and 5).

New dependent claim 15 depends from claim 14 and recites the structure of the linkage between the steering damper and the steering system. Although Hasegawa discloses that a linkage may be used, the specific structure recited herein is not disclosed by Hasegawa.

New dependent claim 16 depends from claim 14 and is directed to the pressure control valve comprising both an electric pressure control valve and a mechanical pressure control valve. This structure is not disclosed by Hasegawa, who discloses a single valve 31.

New dependent claim 17 depends from claim 6 and is directed to the structure and location of the steering damper. This structure is not disclosed by Hanawa, who discloses a steering damper mounted to the underside of the lower bridge of the steering system (Fig. 1, 2, and col 3, lines 6-8).

New dependent claim 18 has further defines a limitation in which the maximum opening pressure of the electric pressure control valve is set so that a lower limit value to a dispersion thereof is lower than an upper limit value to a dispersion of an opening pressure of said mechanical pressure control valve. As a result, claim 18 defines the lower limit value to the dispersion of the maximum opening pressure of the electric pressure control valve is set to be positioned between the upper and lower limit values of the dispersion of the valve opening pressure of the relief valve. This has the effect that the

dispersion width of the maximum attenuating force generated in the system depends on the relief valve.

This feature is not disclosed or suggested by the art of record.

New claims 14-18 are fully supported by the original specification, and add no new subject matter to the application. Further, new claims 14-18 are patentable over the cited prior art references, and are in condition for allowance.

#### Conclusion

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings and claims, no new matter is introduced by the above amendments. The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

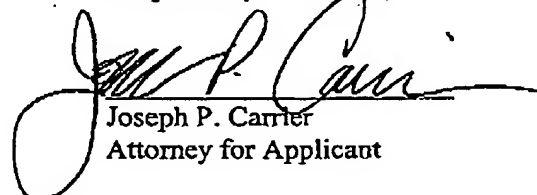
If the Examiner is not fully convinced of the allowability all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge the \$200.00 fee for one independent claim in excess of three to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable reconsideration is respectfully requested.

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Respectfully submitted,



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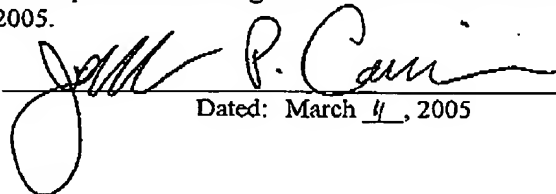
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office on March 11, 2005.

JPC/kmm

  
Dated: March 11, 2005